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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,667	01/13/2006	Ernst Kraenzler	3476	3314
7590 07/13/2009 Striker, Stricker & Stenby			EXAMINER	
103 East Neck l	Road		GRANT, ALVIN J	
Huntington, NY 11743			ART UNIT	PAPER NUMBER
			3723	
			MAIL DATE	DELIVERY MODE
			07/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
	10/564,667	KRAENZLER ET AL.	
Office Action Summary	Examiner	Art Unit	
	ALVIN J. GRANT	3723	
The MAILING DATE of this communication a Period for Reply	ppears on the cover sheet wit	h the correspondence address	
A SHORTENED STATUTORY PERIOD FOR REF WHICHEVER IS LONGER, FROM THE MAILING  - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory perion.  - Failure to reply within the set or extended period for reply will, by stat Any reply received by the Office later than three months after the ma earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNIC 1.136(a). In no event, however, may a re- od will apply and will expire SIX (6) MON cute, cause the application to become AB.	CATION.  Apply be timely filed  FHS from the mailing date of this communication.  ANDONED (35 U.S.C. § 133).	
Status			
Responsive to communication(s) filed on 27     This action is <b>FINAL</b> . 2b) ☐ TH     Since this application is in condition for allow closed in accordance with the practice unde	nis action is non-final. vance except for formal matte		
Disposition of Claims			
4) ☐ Claim(s) 1-34 is/are pending in the application 4a) Of the above claim(s) is/are withd 5) ☐ Claim(s) 1-5,7 and 9-30 is/are allowed. 6) ☐ Claim(s) 8 and 31-34 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and Application Papers	rawn from consideration.		
9)☐ The specification is objected to by the Exami	ner.		
10) The drawing(s) filed on is/are: a) a Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct  11) The oath or declaration is objected to by the	ccepted or b) objected to be drawing(s) be held in abeyan ection is required if the drawing(	ce. See 37 CFR 1.85(a). s) is objected to. See 37 CFR 1.121(d).	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the priority docume application from the International Bure * See the attached detailed Office action for a li	ents have been received. ents have been received in Apriority documents have been eau (PCT Rule 17.2(a)).	oplication No received in this National Stage	
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date	Paper No(s	ummary (PTO-413) )/Mail Date formal Patent Application 	

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### **DETAILED ACTION**

#### Terminal Disclaimer

1. The terminal disclaimer filed on 4/27/09 has been recorded.

## Specification

- 2. **The abstract** of the disclosure is objected to because of the following discrepancies:
  - In line 1, change "Summary" to read, "Abstract".
  - In lines 5 and 6, delete "It is provided that......and 25 mm." and insert the following sentence, beginning in line 4, "The first fastening means is located on a partial circle (54) with a radius (56) of between 12 mm and 25 mm".

Correction is required. See MPEP § 608.01(b).

In the specification:

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 Page 1, lines 4 and 5, delete "according to the definition of the species of claim 1".

- Page 1, line 7, delete "according to the species of claim 11".
- Page 2, line 1, the phrase "sufficient working material" is awkwardly and confusingly worded.
- Page 3, lines 3 and 4, change "with a not-shown motor supported in a housing" to read, "with an electric motor (not shown) supported in the housing".
- Page 3, line 9, change "body 18 shown in Figure 1- of insertion" to read,
   "body 18, shown in Figure 1, of insertion".
- Page 3, line 22, change "hub 16 and with it, entire insertion tool 12 drops" to read, "hub 16, and with it, entire insertion tool 12, drops."
- Page 5, line 1, the phrase "In tangential direction" is awkwardly and confusingly worded.

# Claim Objections

- 3. Claims 1, 10-13, 18-27, 33 and 34 are objected to because of the following informalities:
  - Claim 1, in the penultimate and last lines, "which is intended to alleviate a
    releasing of the insertion tool" to read, "which facilitates the releasing of
    the insertion tool".

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Claim 10, lines 2 and 3, change "means (20) – located on a second partial circle – for fastening" to read, "means (20), located on a second partial circle, for fastening".

- Claim 11, lines 23 and 24, change "which is intended to alleviate a
  releasing of the insertion tool" to read, "which facilitates the releasing of
  the insertion tool".
- Claim 12, line 7, change "(56)dimensioned" to read, "(56) dimensioned".
- Claim 13, in the last line, change "particular at least" to read, "preferably at least".
- Claims 18-27 and 34, change "radially inward" to read, "radially inner".
- Claim 33, line 2, change "fastening mean" to read, "fastening means".
- Claim 34, change "radially outward" to read, "radially outer".
- Claim 34, line 25, change "outward region" to read, "outer region".

Appropriate correction is required.

#### Claim Rejections - 35 USC § 112

- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
  The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 5. Claims 8 and 31-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 8 and 31-33 recite the phrase "tangential direction", which is awkwardly and confusingly worded.

Claim 33, lines 6-7; and claim 34, lines 6-7, the phrase "enables use with sufficient working material" is awkwardly and confusingly worded.

### Allowable Subject Matter

6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1 and 11, the art of record considered as a whole alone or in combination neither anticipates nor renders obvious an insertion device having a fastening means includes a blocking element that includes a stop provided to limit a releasing motion of the tool and a recess that facilitates the releasing of the tool.

- 7. Claims 8, 31 and 32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
- 8. Claims 33 and 34 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
- 9. Claims 1-5, 7 and 9-30 are allowed.

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### Response to Arguments

10. Applicant's arguments see pages 12-16, filed 4/27/09, with respect to newly amended have been fully considered and are persuasive.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN J. GRANT whose telephone number is (571)272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin J Grant/

Examiner, Art Unit 3723